

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

MIKAYLA DUFFALO, individually
and as administrator of the Estate of
MICHAEL J. DUFFALO
Plaintiff.

vs.

CLEARFIELD COUNTY BOARD OF
COMMISSIONERS, CLEARFIELD
COUNTY PRISON BOARD,
GREGORY COLLINS, NULTON
DIAGNOSTIC & TREATMENT
CENTER, DANIELLE DELIMAN,
BRADLEY L. WELKER, LEO
CLEVELAND, JOHN AND JANE
DOE 1-20.

Defendants.

CIVIL ACTION No. 3:21-cv-39-KRG

ELECTRONICALLY FILED

JURY TRIAL DEMANDED

RULE 41 DISMISSAL OF ACTION

NOW COMES Plaintiff, MIKAYLA DUFFALO, individually and as Administratrix of the ESTATE OF MICHAEL J. DUFFALO, by and through her counsel Dylan T. Hastings, Esquire of the law firm of Mark B. Frost & Associates and Defendants, CLEARFIELD COUNTY BOARD OF COMMISSIONERS, CLEARFIELD COUNTY PRISON BOARD, GREGORY COLLINS, BRADLEY L. WELKER, LEO CLEVELAND, AND JOHN & JANE DOE 1-20 (“*Clearfield Defendants*”), by and through their counsel, Mary Lou Maierhofer, Esquire of the

law firm of Margolis Edelstein, and files this Rule 41 Dismissal of Action of which the following is a statement:

1. Plaintiff commenced this litigation by filing a Complaint on March 10, 2021. (ECF No. 1).
2. Plaintiff filed an Amended Complaint (ECF No. 18) after receipt of the Clearfield Defendants' Initial Disclosure Statement which included the prison records.
3. Clearfield Defendants filed a Motion to Dismiss [ECF No. 23] and Brief in Support of the Motion to Dismiss [ECF No. 24] on August 11, 2021.
4. Plaintiff filed an Opposition to the Motion to Dismiss [ECF No. 29] on August 25, 2021.
5. A decision on the Motion to Dismiss is pending.
6. On September 15, 2021, the Initial Rule 16 Case Management Conference was held which generated an Initial Scheduling Order. (ECF Nos. 26 & 37).
7. Clearfield Defendants supplemented their Initial Disclosures on September 28, 2021 and October 5, 2021.
8. Clearfield Defendants are the only remaining defendants to this litigation and have not filed an Answer to the Amended Complaint.
9. Pursuant to F.R.C.P. 41(a)(1) Plaintiff has agreed to dismiss all

remaining Defendants to this litigation with prejudice.

10. This stipulation is signed by all Counsel for the parties remaining in this litigation.

11. Plaintiff and Clearfield Defendants are requesting that this Honorable Court executed the proposed order which will terminate this litigation by dismissing the remaining Defendants.

WHEREFORE, Plaintiff Mikayla Duffalo, individually and as Administratrix of the Estate of Michael J. Duffalo and Clearfield Defendants, request this Honorable Court dismiss with prejudice all remaining Defendants from this litigation and terminate this litigation as there are no remaining Defendants.

MARK B. FROST & ASSOCIATES

By: /s/ Dylan T. Hastings
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Date: October 13, 2021

MARGOLIS EDELSTEIN

By: /s/ Mary Lou Maierhofer

Mary Lou Maierhofer, Esquire

Clearfield County Board of Commissioners,
Clearfield County Prison Board, Gregory Collins,
Bradley L. Welker, Leo Cleveland, and John and
Jane Doe 1-20

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P.A. I.D. No.: 62175

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Date: October 13, 2021

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CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm of Margolis Edelstein, hereby certify that on the 13th day of October 2021, I have served the Rule 41 Dismissal of Action upon Counsel for the Plaintiff though electronic Mail.

MARGOLIS EDELSTEIN

By: /s/ Mary Lou Maierhofer
Mary Lou Maierhofer, Esquire
Clearfield Defendants
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